IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Crl.Rev.Pet.No. 902 of 1999()

CRA.184/1994 of ADDL.SESSIONS COURT, KOTTAYAM
CC.75/1989 of JUDL.MAGISTRATE OF FIRST CLASS, ETTUMANUR

.....

REVN. PETITIONER:
---

1. GOVINDANACHARI, S/O.NARAYANAN,
CHAKKACHAM KUNNEL,
THEKKEPERINGOTTUKOVU KARA,
KIDANGOOR VILLAGE.

2. GOPIKUTTAN @ GOPI, S/O.GOVINDANACHARI,
-DO- -DO-

BY ADV. SRI.MATHEW JOHN

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.4191/1999 IN CRL.R.P.NO.902/1999

CLOSED

SD/- K.R.UDAYABHANU, JUDGE

24/07/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.R.P.No.902 of 1999

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 24th day of July, 2007

O R D E R

The first revision petitioner who is the first accused in C.C.No.75/1989 in the file of the Judicial Magistrate of the First Class, Ettumanoor, stands convicted for the offence under Section 498A I.P.C read with Section 34 of the I.P.C and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for two months. The second revision petitioner, his son, who is the third accused, stands convicted and sentenced as per the order of the appellate court. The third accused died during the pendency of the revision proceedings herein. The second accused, the mother, was acquitted by the appellate court. The counsel for the revision petitioners has only sought for modification of sentence pointing out that the first accused, as of now, is aged 72 years. The prosecution is of the year 1989. It is submitted that the revision petitioner/first accused has undergone untold misery and that his son was done to death. He is aged and ailing.

In the circumstances, I find that the sentence is liable to be modified. The sentence is modified to imprisonment till the rising of the court and to pay a fine of rupees five thousand and in default to undergo simple imprisonment for one month. The first accused is directed to appear before the Judicial Magistrate of the First Class, Ettumanoor, on 10/09/2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.R.P.No.902 of 1999

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

O R D E R

24th July, 2007